

# EXHIBIT 10

1 IN THE DISTRICT COURT IN AND FOR WASHINGTON COUNTY  
2 STATE OF OKLAHOMA  
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4 STATE OF OKLAHOMA, )  
5 )  
6 vs. ) CASE NO. YO-2011-1  
7 )  
8 SHARONICA RENEE CARTER, )  
Defendant. )

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12 TRANSCRIPT OF PROCEEDINGS

13 Held on September 22, 2011

14 Before the Honorable Curtis L. DeLapp  
15 District Judge

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18 APPEARANCES:

19 AARON PEMBLETON, Assistant District Attorney,  
Washington County Courthouse, 420 South Johnstone,  
20 Bartlesville, Oklahoma, 74003, appeared on behalf of the  
State of Oklahoma.

21 KRISTI SANDERS, Attorney at Law, 415 S.E. Dewey, Ste.  
302, Bartlesville, Oklahoma, 74003 appeared on behalf of  
22 Sharonica Renee Carter.

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24 Laurie A. Hoyt, C.S.R.  
420 South Johnstone, Rm. 318  
25 Bartlesville, Oklahoma 74003

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## PROCEDINGS

2 THE COURT: Okay. Ms. Carter, your mother  
3 may be on the way here. I don't know. Have you talked to  
4 her?

5 SHARONICA CARTER: Yeah. Yes, sir, I just  
6 talked to her.

7 THE COURT: Where was she at?

8 SHARONICA CARTER: She said like coming down  
9 the street. She was looking for parking.

10 THE COURT: Okay. Maybe she'll get up here  
11 while we do some preliminary stuff first.

12                   This is State of Oklahoma versus Sharonica Renee  
13 Carter, YO-11-1. Ms. Carter had previously entered a plea  
14 in this particular case and was passed -- that was  
15 August 11, I believe, and it was passed while a PSI was  
16 being done. That's been filed on September 12th. There's  
17 a copy of the presentence investigation. There's also  
18 attached to that I believe -- yes, a psychological  
19 evaluation by Curtis Grundy. And there's also an  
20 individual treatment and service plan that's attached.

21 Any corrections or additions to the report,  
22 Mr. Williams?

23 MR. BOB WILLIAMS: No, Your Honor.

24 THE COURT: Ms. Sanders, we have -- you  
25 received a copy of all this stuff on behalf of your client.

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1 Any corrections or additions on those things?

2 MS. SANDERS: No, Your Honor. And I did  
3 receive copies.

4 THE COURT: They are recommending -- I think  
5 what we're arguing about at this time was there was a  
6 difference between a ten-year suspended sentence and  
7 five-year suspended sentence. Is that -- if I recall, is  
8 that right, Ms. Sanders?

9 MS. SANDERS: Yes, Judge. I'm asking for  
10 some type of deferred sentence if that's even possible  
11 under the Youthful Offender Act. I did a little bit of  
12 research and didn't find anything that said it wasn't, but  
13 I also didn't find anything saying that it was possible.  
14 Or, if the court is more inclined to go for a longer period  
15 of time -- I understand -- I did look through the statute.  
16 I did look through the statutes and there is a procedure to  
17 have this expunged and that type of thing even if it is a  
18 suspended sentence. But in Sharonica's case, because of  
19 her age and because of the facts and circumstances is why I  
20 was asking for a shorter period of time or a deferred  
21 sentence, Judge.

22 THE COURT: And just coming in is mom. You  
23 are who, sir?

24 SPECTATOR: Uncle.

25 THE COURT: Tell me your name.

1 SPECTATOR: Franco Carter.

2 THE COURT: Thank you. And you are, ma'am?

3 SPECTATOR: Sister.

4 THE COURT: Tell me your name.

5 SPECTATOR: Akilia Carter.

6 THE COURT: And on behalf of state.

7 MR. PEMBLETON: Your Honor, I would object  
8 to a deferred sentence. Ms. Carter has had several  
9 previous cases, including assault and battery and  
10 possession of firearm on school property. Those were both  
11 in '08. And given the facts of this case where a firearm  
12 was used in an attempt to -- an attempted robbery, the  
13 state believes that it is proper for a ten-year on a YO  
14 case where if Ms. Carter goes through the rehabilitation  
15 program the rest of that time would be suspended. If not,  
16 the state would be able to bridge that sentence over into  
17 the adult system.

18 THE COURT: Ms. Carter is currently 16. Her  
19 birthday is [REDACTED] Is that correct?

20 MS. SANDERS: Yes, sir.

21 THE COURT: And according to the statute  
22 there has been a report done. The court has reviewed the  
23 PSI and finds -- well, the court shall conduct a hearing  
24 and shall consider, with the greatest weight given to the  
25 subparagraphs A and B, which is whether the offense was

1 committed in an aggressive, violent, premeditated or  
2 willful -- well, there is a finding that there was,  
3 according to the report -- and also it is a violent crime  
4 under the Title 57, 571. In fact, I believe it's also an  
5 85 percent crime. And then whether it was against a  
6 person, which it was committed against a person. There was  
7 an attempted robbery.

8 The record, as stated, she's had -- been  
9 adjudicated as delinquent in JDL-2008-498, Tulsa County,  
10 for assault and battery. And again for the offense of  
11 possession of a firearm on school property in JDL-2008-1688  
12 while she was on probation. Those cases were closed.

13 It does factor in, at least for this court, now  
14 that she has another crime with a firearm in this  
15 particular case. She also had a petition that was filed  
16 but was dismissed by the state in Tulsa and then -- or  
17 there was something pending. I think it's still currently  
18 pending, Mr. Williams?

19 MR. BOB WILLIAMS: I believe there's two  
20 cases pending in Tulsa County, Your Honor.

21 THE COURT: When is her court dates on those  
22 or do we have court dates on those?

23 MR. BOB WILLIAMS: I don't know that there's  
24 a court date. I think they're waiting to see the outcome  
25 of this case, Your Honor.

1 THE COURT: I have reviewed also  
2 Dr. Grundy's report. The way I understand that, once she  
3 has been adjudicated and found to be a youthful offender,  
4 which she's going to be, she would remain in the custody of  
5 O.J.A. They would be the supervisor until she's turns 18.  
6 If the court sets a sentence beyond 18 she is to come back.  
7 And the statute says that if the individual sentenced  
8 youthful offender attains 18 years of age prior to the  
9 expiration of sentence, the individual shall be returned to  
10 the sentencing court and at that time the court makes the  
11 determination on what to do.

12 So to answer the question I believe -- I don't  
13 know of any prohibition for a deferred sentence in a  
14 juvenile youthful offender case. It sets out there that  
15 the court shall impose a sentence subject to the same type  
16 of sentencing procedures and duration, except for capital  
17 cases, including suspension or deferment as an adult  
18 convicted of a felony offense.

1 Is there any restitution? I don't think there is.

2 MS. SANDERS: I don't think there is that  
3 I'm aware of. Unless there was something as to the vehicle  
4 or something.

5 MR. PEMBLETON: I do not believe there was  
6 damage to the vehicle. I believe it was just the  
7 footprint.

8 MS. SANDERS: That was my understanding. I  
9 don't know if they've made some type of a claim.

10 THE COURT: It's my understanding also,  
11 pursuant to the statute, that any period of probation is,  
12 as I said, the Office of Juvenile Affairs or designated  
13 representative, if the youthful offender is under 18 years  
14 of age, would be the supervising agency obviously.

15 I would include that she complete, substantially  
16 complete, her RID plan of rehabilitation, that she complete  
17 a hundred hours of community service. And I would order --  
18 is it Demetra?

19 DEMETRA CARTER: Yes, sir.

20 THE COURT: To participate in Sharonica's  
21 rehabilitative treatment. She understands at this point in  
22 time, being sentenced, she has the appeal rights under the  
23 youthful offender to appeal that are set out here to  
24 appeal. To withdraw your plea of guilty, you have to do  
25 that within ten days of today and you must do that in

1 writing. If you did that I'd have to hold a hearing within  
2 30 days. If I denied your request you'd have the right to  
3 appeal to the Court of Criminal Appeals within 90 days.  
4 You would also have the right to be represented on appeal  
5 obviously by a court appointed attorney and a record and  
6 transcript at public expense. Do you understand these  
7 rights to appeal, Ms. Carter?

8 SHARONICA CARTER: Yes, sir.

9 MS. SANDERS: Those are the rights we went  
10 over last time.

11 THE COURT: Have you understood all the  
12 questions that I've asked you today and the last time you  
13 were here in particular? You understand those?

14 SHARONICA CARTER: Yes, sir.

15 THE COURT: Have your answers been freely  
16 and voluntarily given?

17 SHARONICA CARTER: Yes, sir.

18 THE COURT: All right. She needs to sign  
19 that acknowledging that she understands her appeal rights.  
20 We want to set a six-month review at this point in time.

21 MS. SANDERS: Would it be possible to set it  
22 sooner than that, approximately the January timeframe or  
23 February.

24 THE COURT: I have no problem doing that.

25 MS. SANDERS: She's already -- as the report

1 indicated, she's already attended several voluntary groups  
2 including the anger group and the girls circle group.  
3 Sharonica is telling me that any group that they let her  
4 attend she attends. So I encouraged her to continue that  
5 kind of attitude and to do well in this program.

6 MR. PEMBLETON: Your Honor, can we have that  
7 January 19th then?

8 MS. SANDERS: That would be fine.

9 THE COURT: 19th of January at 10:00 o'clock  
10 for review.

11 Do you have any questions today, Ms. Carter?

12 SHARONICA CARTER: No, sir.

13 THE COURT: Any questions?

14 (NO RESPONSE.)

15 THE COURT: All right. Anything further  
16 from the state?

17 MR. PEMBLETON: No, Your Honor.

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19 (END OF PROCEEDINGS.)

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C E R T I F I C A T E

4 STATE OF OKLAHOMA )  
5 COUNTY OF WASHINGTON )  
 ) ss:

7 I, Laurie A. Hoyt, C.S.R., Certified Shorthand  
8 Reporter, within and for the State of Oklahoma, do hereby  
9 certify that on September 22, 2012, before the Honorable  
10 Curtis L. DeLapp, I stenographically reported the  
11 proceedings had and the evidence given, and the above and  
12 foregoing is a true, correct, and complete transcript of  
13 the proceedings had and the testimony given, together with  
14 the objections of counsel and the ruling of the Court  
15 thereto, taken at said time and place, to the best of my  
16 ability.

LAURIE A. HOYT, C.S.B.

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